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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/680,131	10/02/2000	Tiffany D. Boehmer	BPS-103	7429

30554 7590 04/23/2004

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EXAMINER

SMITH, PETER J

ART UNIT PAPER NUMBER

2176

DATE MAILED: 04/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/680,131

Applicant(s)

BOEHMER ET AL.

Examiner

Peter J Smith

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 October 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 October 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communications: application filed on 10/02/2000, IDS filed on 06/17/2002.
2. Claims 1-30 are pending in the case. Claims 1, 11, and 23 are independent claims.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. **Claims 10, 22, and 30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

The term "easily" in claims 10, 22, and 30 is a relative term which renders the claim indefinite. The term "easily" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. The degree of the act of parsing by a human user is rendered indefinite by this term.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Turpin, US 5,640, 501 patented 06/17/1997.

Regarding independent claim 1, Turpin teaches the use of a decision tree to interactively build a form to collect data and arrive at a decision in fig. 11-12, 15, 20, 22, 28-29, and col. 1 line 66 – col. 4 line 15. Turpin could have been easily modified to use the decision tree data input structure to interactively build rules and constraints. Turpin teaches an output display configured for showing to a user a partial complete rule and a rule fragment as well as a showing to a user a list of potential selections for filling in blank space on the fragment in fig. 11-12, 15, 20, 22, 28-29, col. 1 line 66 – col. 2 line 11, col. 2 lines 22-31, and col. 2 line 53-33. Turpin teaches displaying the entire tree and the completed form data profile in fig. 15-16 which could have been modified to show the user the completed rule. Turpin teaches allowing a user to choose from a list a desired selection for filling a blank space and for allowing a user to directing enter values to create a selection for filling in the blank space in col. 3 line 33 – col. 4 line 4.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Turpin to have created the claimed invention because Turpin essentially creates an information form in the same way in which the claimed invention creates a completed rule by using a branching decision tree method to gather information from a user, either selected from lists of limited options or entered from a keyboard or other input device at each step.

Regarding dependent claim 2, Turpin teaches that the data gathered through the decision tree process may be both read and written from a variety of data sources in col. 2 line 8-

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11 and col. 2 lines 32-42. This suggests that Turpin could have been modified to provide data for systems such as the resource scheduling system of the claimed invention. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the data handling capabilities of Turpin to have converted a completed rule into an internal representation suitable for inputting into a resource scheduling system. It would have been obvious and desirable to have done this so that the system could have been automatically updated when the user finished completion of the data entry.

Regarding dependent claims 3 and 4, Turpin teaches an example embodiment of collecting information for to create a rule for a user for insurance activities in fig. 11-12, 15, 20, 22, and 28-29. It would have been obvious to one of ordinary skill in the art to have modified Turpin to have generated a rule for a resource system to have been assigned to at least one person who may have been a call center agent. Turpin would have been applied in essentially its native manner except that the data would have corresponded to a call center agents schedule instead of a customer's insurance policy details.

Regarding dependent claim 5, Turpin teaches implementing constraints in the form building process in fig. 11-12, 15, and col. 2 lines 13-21. It would have been obvious to have modified Turpin to have used these constraints to have a formed a tolerance for a completed rule so that the completed rule would have been self-referential. It would have been obvious and desirable to have done this so that the rule could have handled exceptions without failing.

Regarding dependent claims 6 and 7, Turpin teaches building forms which may refer to both unspecified goals and data fields which do not yet exist in col. 2 line 53 – col. 3 line 3. It would have been obvious and desirable to have modified the flexible form attributes of Turpin to

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have implemented the claimed invention. It would have been obvious and desirable to have an unspecified goal and ability to refer to a schedule that does not yet exist so that the user could have had flexibility in creating the rule.

Regarding dependent claim 8, Turpin teaches a processing element configured to apply branching rules to previous selections of a user for filling a blank space, thereby interactively and dynamically creating future blank spaces and future lists of potential selections in col. 2 line 53 – col. 3 line 3.

Regarding dependent claim 9, Turpin teaches a processing element configured to access a dynamic database, thereby to populate the lists with potential selections depending on the current value in real time of the dynamic database in col. 2 lines 22-31 and col. 2 line 53 – col. 3 line 3.

Regarding dependent claim 10, Turpin teaches a the creation of an information input form in col. 1 line 66 – col. 4 line 15, which is easily parsed by a human user.

Regarding independent claim 11, Turpin teaches the use of a decision tree to interactively build a form to collect data and arrive at a decision in fig. 11-12, 15, 20, 22, 28-29, and col. 1 line 66 – col. 4 line 15. Turpin could have been easily modified to use the decision tree data input structure to interactively build rules and constraints. Turpin teaches an output display configured for showing to a user a partial complete rule and a rule fragment as well as a showing to a user a list of potential selections for filling in blank space on the fragment in fig. 11-12, 15, 20, 22, 28-29, col. 1 line 66 – col. 2 line 11, col. 2 lines 22-31, and col. 2 line 53-33. Turpin teaches displaying the entire tree and the completed form data profile in fig. 15-16 which could have been modified to show the user the completed rule. Turpin teaches allowing a user to

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choose from a list a desired selection for filling a blank space and for allowing a user to directing enter values to create a selection for filling in the blank space in col. 3 line 33 – col. 4 line 4.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Turpin to have created the claimed invention because Turpin essentially creates an information form in the same way in which the claimed invention creates a completed rule by using a branching decision tree method to gather information from a user, either selected from lists of limited options or entered from a keyboard or other input device at each step.

Regarding dependent claim 12, Turpin teaches wherein the user fills a blank space by choosing from a list of potential selections, the potential selections being displayed to the user in col. 3 lines 33-50.

Regarding dependent claim 13, Turpin teaches wherein the user fills the blank space by direct entry of the value in col. 3 lines 60-62.

Regarding dependent claim 14, Turpin teaches that the data gathered through the decision tree process may be both read and written from a variety of data sources in col. 2 line 8-11 and col. 2 lines 32-42. This suggests that Turpin could have been modified to provide data for systems such as the resource scheduling system of the claimed invention. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the data handling capabilities of Turpin to have converted a completed rule into an internal representation suitable for inputting into a resource scheduling system. It would have been obvious and desirable to have done this so that the system could have been automatically updated when the user finished completion of the data entry.

Regarding dependent claims 15 and 16, Turpin teaches an example embodiment of collecting information for to create a rule for a user for insurance activities in fig. 11-12, 15, 20, 22, and 28-29. It would have been obvious to one of ordinary skill in the art to have modified Turpin to have generated a rule for a resource system to have been assigned to at least one person who may have been a call center agent. Turpin would have been applied in essentially its native manner except that the data would have corresponded to a call center agents schedule instead of a customer's insurance policy details.

Regarding dependent claim 17, Turpin teaches implementing constraints in the form building process in fig. 11-12, 15, and col. 2 lines 13-21. It would have been obvious to have modified Turpin to have used these constraints to have a formed a tolerance for a completed rule so that the completed rule would have been self-referential. It would have been obvious and desirable to have done this so that the rule could have handled exceptions without failing.

Regarding dependent claims 18 and 19, Turpin teaches building forms which may refer to both unspecified goals and data fields which do not yet exist in col. 2 line 53 – col. 3 line 3. It would have been obvious and desirable to have modified the flexible form attributes of Turpin to have implemented the claimed invention. It would have been obvious and desirable to have an unspecified goal and ability to refer to a schedule that does not yet exist so that the user could have had flexibility in creating the rule.

Regarding dependent claim 20, Turpin teaches a processing element configured to apply branching rules to previous selections of a user for filling a blank space, thereby interactively and dynamically creating future blank spaces and future lists of potential selections in col. 2 line 53 – col. 3 line 3.

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Regarding dependent claim 21, Turpin teaches a processing element configured to access a dynamic database, thereby to populate the lists with potential selections depending on the current value in real time of the dynamic database in col. 2 lines 22-31 and col. 2 line 53 – col. 3 line 3.

Regarding dependent claim 22, Turpin teaches a the creation of an information input form in col. 1 line 66 – col. 4 line 15, which is easily parsed by a human user.

Regarding independent claim 23, Turpin teaches the use of a decision tree to interactively build a form to collect data and arrive at a decision in fig. 11-12, 15, 20, 22, 28-29, and col. 1 line 66 – col. 4 line 15. Turpin could have been easily modified to use the decision tree data input structure to interactively build rules and constraints. Turpin teaches an output display configured for showing to a user a partial complete rule and a rule fragment as well as a showing to a user a list of potential selections for filling in blank space on the fragment in fig. 11-12, 15, 20, 22, 28-29, col. 1 line 66 – col. 2 line 11, col. 2 lines 22-31, and col. 2 line 53-33. Turpin teaches displaying the entire tree and the completed form data profile in fig. 15-16 which could have been modified to show the user the completed rule. Turpin teaches allowing a user to choose from a list a desired selection for filling a blank space and for allowing a user to directing enter values to create a selection for filling in the blank space in col. 3 line 33 – col. 4 line 4.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Turpin to have created the claimed invention because Turpin essentially creates an information form in the same way in which the claimed invention creates a completed rule by using a branching decision tree method to gather information from a user,

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either selected from lists of limited options or entered from a keyboard or other input device at each step.

Regarding dependent claim 24, Turpin teaches an example embodiment of collecting information for to create a rule for a user for insurance activities in fig. 11-12, 15, 20, 22, and 28-29. It would have been obvious to one of ordinary skill in the art to have modified Turpin to have generated a rule for a resource system to have been assigned to at least one person who may have been a call center agent. Turpin would have been applied in essentially its native manner except that the data would have corresponded to a call center agents schedule instead of a customer's insurance policy details.

Regarding dependent claim 25, Turpin teaches implementing constraints in the form building process in fig. 11-12, 15, and col. 2 lines 13-21. It would have been obvious to have modified Turpin to have used these constraints to have a formed a tolerance for a completed rule so that the completed rule would have been self-referential. It would have been obvious and desirable to have done this so that the rule could have handled exceptions without failing.

Regarding dependent claims 26 and 27, Turpin teaches building forms which may refer to both unspecified goals and data fields which do not yet exist in col. 2 line 53 – col. 3 line 3. It would have been obvious and desirable to have modified the flexible form attributes of Turpin to have implemented the claimed invention. It would have been obvious and desirable to have an unspecified goal and ability to refer to a schedule that does not yet exist so that the user could have had flexibility in creating the rule.

Regarding dependent claim 28, Turpin teaches a processing element configured to apply branching rules to previous selections of a user for filling a blank space, thereby

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interactively and dynamically creating future blank spaces and future lists of potential selections in col. 2 line 53 – col. 3 line 3.

Regarding dependent claim 29, Turpin teaches a processing element configured to access a dynamic database, thereby to populate the lists with potential selections depending on the current value in real time of the dynamic database in col. 2 lines 22-31 and col. 2 line 53 – col. 3 line 3.

Regarding dependent claim 30, Turpin teaches a the creation of an information input form in col. 1 line 66 – col. 4 line 15, which is easily parsed by a human user.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Honarvar et al., US 6,601,034 B1 filed 12/23/1998 discloses a rules based decision management system which is cross-platform, cross-industry, and cross-function. Stoodley, US 6,611,846 B1 filed 10/30/1999 discloses in col. 7 lines 55-67 that data may be entered as open text or selected from a drop-down list of data options.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter J Smith whose telephone number is 703-305-5931. The examiner can normally be reached on Mondays-Fridays 7:00am-3:30pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H Feild can be reached on 703-305-9792. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PJS

April 15, 2004


SANJIV SHAH
PRIMARY EXAMINER